



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,114	09/16/2003	Ricky L. Durbin	00313-1001	1822

32116 7590 07/06/2004

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO, IL 60661

EXAMINER

CLARKE, SARA SACHIE

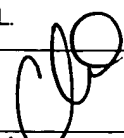
ART UNIT

PAPER NUMBER

3749

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/663,114</p>	<p>Applicant(s)</p> <p align="center">DURBIN, RICKY L.</p>	
	<p>Examiner</p> <p align="center">Sara Clarke</p>	<p>Art Unit</p> <p align="center">3749</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-20 is/are allowed.
- 6) ☒ Claim(s) 1-9, 21, 25, 31-34 and 36-42 is/are rejected.
- 7) ☒ Claim(s) 22-24, 26-30, 35 and 37 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| <p>1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date ____.</p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: ____.</p> |
|---|---|

DETAILED ACTION

Claim Objections

Claims 23 and 37 are objected to because of the following informalities: In claim 23, there is no antecedent basis for "said suction cup." In claim 37, there is no antecedent basis for "said decorative feature." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 21, 25, 33, 34, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Angilletta (US 3960135).

Angilletta discloses the invention as claimed including (a) releasably connecting a portable metal solar heater to an interior surface of said window, said solar heater having a highly solar energy absorptive window facing surface; (b) heating said an enclosed space via the solar heater; (c) selectively removing the solar heater from said window during periods when heating is not desired; and repeating steps (a)-(c) to help maintain the an enclosed space within a desired temperature range. See column 4, lines 53-58. The unit 15 is described as removable from the window, which includes sash 10. See also column 3, line 50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angilletta (US 3960135) in view of Mole (US 4020826).

Angilletta discloses the invention substantially as claimed with the exception of the specific absorptivities.

Mole discloses an absorber having a material with 95% absorptivity for heating an interior. See column 2, line 66.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the absorber of Angilletta with the black of Mole for the purpose of optimizing the heating of an interior.

Claims 6-9 and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angilletta (US 3960135) in view of Smith et al. (US 4751115).

Angilletta discloses the invention substantially as claimed with the exception of the specific claimed decorative features.

Smith et al. discloses a heat absorbing window screen and teaches the use of painted decorative features on the inner side of the screen for decorative purposes. See column 4, lines 8-10.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the screen of Angilletta with decorative features as taught by Smith et al. for the purpose of providing viewable decorations.

The applicant's recitation of the use of paint or embossing presents no novel or unexpected result over the ink disclosed in Smith et al. Furthermore, the applicant has not presented any evidence that such differences unexpectedly solve some problem or provide some new result in the art. Therefore, the use of paint or embossing in lieu of the disclosed ink in Smith et al. would have been an obvious matter of design choice to one of ordinary skill in the art, and as such the claims do not patentably distinguish over the applied art at time of applicant's invention as one skilled in the art would have considered the change as an obvious matter of design choice.

Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angilletta (US 3960135).

The applicant's recitation of the size or weight of the device presents no novel or unexpected result over the device disclosed in Angilletta. Furthermore, the applicant has not presented any evidence that such differences unexpectedly solve some problem or provide some new size or weight in lieu of the size or weight of the device of Angilletta would have been an obvious matter of design choice to one of ordinary skill in the art, and as such the claims do not patentably distinguish over the applied art at time of applicant's invention as one skilled in the art would have considered the change as an obvious matter of design choice.

Allowable Subject Matter

Claims 10-20 are allowed.

Claims 22-24, 26-30, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. MacKenzie (US 5081982), Fagan (US 4971028), Eckels (US 4419982), Balzer (4409960), and Eckels (US 4054125) disclose various window cover arrangements.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Clarke whose telephone number is (703)308-1388. The examiner can normally be reached on Mon-Fri, 8:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached at (703)308-1935. The fax phone number for the organization where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Clarke 
Primary Examiner
Art Unit 3749

June 28, 2004